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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/692,494	10/19/2000	Kristine B. Fuimaono	39716/KMO/W112		
75	90 05/31/2002				
Christie Parker & Hale LLP			EXAMINER		
PO Box 7068 Pasadena, CA 91109-7068			RODRIGUEZ, CRIS LOIREN		
			ART UNIT	PAPER NUMBER	
			3763		

Please find below and/or attached an Office communication concerning this application or proceeding.

DATE MAILED: 05/31/2002

Office Action Summary    Examin r					A				
Examin r		Application No.		Applicant(s)					
Cris L. Rodriguez  3763  3763  3763  3763  3763  3763  3763  3763  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 day MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than thely (30) days, a reply within the statisticy withintum of thisly (30) days will be considered timely.  If the period for reply specified above is less than thely (30) days, a reply within the statisticy withintum of thisly (30) days will be considered timely.  If the period for reply specified above is less than thely (30) days, a reply within the statisticy withintum of thisly (30) days will be considered timely.  If the period for reply specified above is less than thely (30) days, a reply within the statisticy withintum of thisly (30) days will be considered timely.  If the period for reply specified above is less than thely (30) days, a reply within the statisticy withintum of thisly (30) days will be considered timely.  If the period for reply specified above is less than thely (30) days, a reply within the statisticy withintum of thisly (30) days will be considered timely.  If the period for reply specified above is less than thely (30) days and the statistic problems of the priority documents have been received in this National Stage application from the International Bureau (PCT		09/692,494	-	FUIMAONO ET A	L.				
- The MALING DATE of this communication app ars on the cover sh of with th correspondenc address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 day MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CRF 1.136(a), is no event, however, may a reply be timely filled she six (6) MCMTHS from the making date of this communication of 3 CRF 1.136(a), is no event, however, may a reply be timely filled she six (6) MCMTHS from the making date of this communication of thing to 0) days will be considered timely.  I NO period to reply is specified days, the maximum statutory period will apply and will expire SIX (6) MCMTHS from the making date of this communication of the	Office Action Summary	Examin r		Art Unit					
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## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: A)figures 1-3, B)figures 4-6, and C)figures 7-8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the

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evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Kathleen Olster on May 24, 2002 to request an oral 2. election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, 3. the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cris L. Rodriguez whose telephone number is (703) 308-2194. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (703) 308-3552. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

May 24, 2002

SUPERVISORY PATENT EXAMINER **TECHNOLOGY CENTER 3700** 

Cris L. Rodriguez Examiner

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